



50-63  
11-24

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/780,575
Filing Date	February 9, 2001
First Named Inventor	Thomas J. Kodadek
Art Unit	1639
Examiner Name	Bennett M. Celsa

Attorney Docket Number UTSD:566US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Postcard.
<b>Remarks</b> Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/UTSD:566US.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski, LLP		
Signature			
Printed name	Steven L. Highlander		
Date	November 15, 2004	Reg. No.	37,642

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Steven L. Highlander	Date	11/15/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

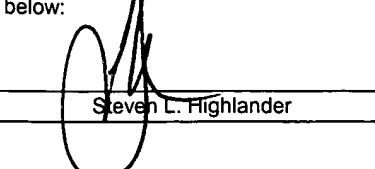
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date below:

November 15, 2004  
Date

  
Steven L. Highlander

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:

Thomas J. KODADEK

Serial No.: 09/780,575

Filed: February 9, 2001

For: SELECTION OF PEPTIDES WITH  
ANTIBODY-LIKE PROPERTIES

Group Art Unit: 1639

Examiner: Bennett M. Celsa

Atty. Dkt. No.: UTSD:566US/SLH

**DECLARATION OF THOMAS KODADEK UNDER 37 C.F.R. §1.132**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

I, the undersigned, do declare that:

1. I am a U.S. citizen residing at 9019 Guernsey Lane, Dallas, TX 75220. I currently hold the position of Professor in the Department of Internal Medicine at the University of Texas Southwestern Medical Center, Dallas TX.
  
2. I am the Thomas Kodadek listed as the inventor for the above-captioned application, and the Thomas Kodadek listed as the corresponding author of Zhang *et al.*, *J. Biol. Chem.* 275:32098-32105 (2000) and Zhang *et al.*, *Current Biol.* 9:417-420 (1999).

3. Z. Zhang, W. Zhu and T. Kodadek are named as authors of Zhang *et al.* (2000). Z. Zhang, A. Murphy, J.C. Hu and T. Kodadek are named as authors of Zhang *et al.* (1999).
4. For Zhang *et al.* (2000), Zhang and Zhu prepared all of the reagents employed in these studies and carried out all of the experiments. They were acting, at all times, under the direction of myself. As such, Zhang and Zhu did not contribute conceptually to subject matter now claimed in the instant application that was also described in Zhang *et al.* (2000).
5. For Zhang *et al.* (1999), Zhang and Murphy prepared all of the reagents and carried out all of the experiments. They were acting, at all times, under the direction of myself. As such, Zhang and Murphy did not contribute conceptually to subject matter now claimed in the instant application that was also described in Zhang *et al.* (1999). Hu is a Professor of Biochemistry at Texas A&M University. Hu's only contribution to the work to provide useful technical advice in using the phage resistance assay, in which he is an expert. Hu also did not contribute conceptually to the subject matter claimed

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/4/04

Date

  
Thomas Kodadek

Thomas Kodadek, Ph.D.